

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS F. TULLOS, #137990,
DARRELL STRICKER, #31943,

Plaintiffs,

Case No. 1:18-cv-883

Honorable Paul L. Maloney

v.

BRADLEY BALK et al.,

Defendants.

ORDER

This is a civil rights action brought by two state prisoners under 42 U.S.C. § 1983. On August 20, 2018, the Court granted Plaintiff Tullos' application to proceed *in forma pauperis*, but directed him to pay his \$175.00 portion of the filing fee in installments. (ECF No. 5.) That same date, the Court issued an order of deficiency (ECF No. 4), directing Plaintiff Stricker either to pay his \$175.00 portion of the filing fee or to file both the affidavit and the trust account statement as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed 28 days for Plaintiff Stricker to comply. Plaintiff Stricker was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Plaintiff Stricker failed either to pay the \$400.00 civil action filing fee or to submit the affidavit and the trust account statement necessary to apply to proceed *in forma pauperis*. In addition, the deficiency order has now been returned to this Court as undeliverable, because Plaintiff Stricker no longer resides at the St. Joseph County Jail. Plaintiff Stricker has failed to provide an updated address to the Court, warranting dismissal for lack of

prosecution under W.D. Mich. LCiv.R. 41.1. Because Plaintiff Stricker has wholly failed to comply with the Court's order and has failed to keep the Court apprised of his current address, the Court will issue a judgment dismissing his portion of the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997). Plaintiff Stricker shall remain liable for his \$175.00 portion of the civil action filing fee.

IT IS SO ORDERED.

Dated: October 26, 2018

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

SEND REMITTANCES TO:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."